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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

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11 UNITED STATES OF AMERICA, )  
12 Plaintiff, ) SA 08-683M  
13 v. ) ORDER OF DETENTION AFTER HEARING  
14 MARCOS DEVORA CRUZ, ) (18 U.S.C. § 3142(i))  
15 Defendant. )  
16 \_\_\_\_\_)

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I.

- 18 A.  On motion of the Government involving an alleged  
19     1.  crime of violence;  
20     2.  offense with maximum sentence of life imprisonment or death;  
21     3.  narcotics or controlled substance offense with maximum sentence of ten or more years  
22         (21 U.S.C. §§ 801,/951, et. seq.,/955a);  
23     4.  felony - defendant convicted of two or more prior offenses described above.  
24 B. On motion  (by the Government) /  (by the Court sua sponte involving)  
25     1. () serious risk defendant will flee;  
26     2.  serious risk defendant will  
27         a.  obstruct or attempt to obstruct justice;  
28         b.  threaten, injure, or intimidate a prospective witness or juror or attempt to do so.

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ORDER OF DETENTION AFTER HEARING (18 U.S.C. §3142(i))

II.

The Court finds no condition or combination of conditions will reasonable assure:

- 3       A. ( X ) appearance of defendant as required; and/or  
4       B. ( ) safety of any person or the community;

III.

6 The Court has considered:

- 7 A. ( x) the nature and circumstances of the offense;  
8 B. (x) the weight of evidence against the defendant;  
9 C. (x) the history and characteristics of the defendant;  
10 D. ( ) the nature and seriousness of the danger to any person or to the community.

IV.

12 The Court concludes:

- 13 A. ( ) Defendant poses a risk to the safety of other persons or the community because:

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15 B. (x) History and characteristics indicate a serious risk that defendant will flee because:  
**Defendant is undocumented. He has no ties to the community and no bail  
resources.**

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19 C. ( ) A serious risk exists that defendant will:

20 1. ( ) obstruct or attempt to obstruct justice;

21 2. ( ) threaten, injure or intimidate a witness/ juror; because:

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24 D. ( ) Defendant has not rebutted by sufficient evidence to the contrary the presumption  
provided in 18 U.S.C. § 3142 (e).

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**ORDER OF DETENTION AFTER HEARING (18 U.S.C. §3142(i))**

1 IT IS ORDERED that defendant be detained prior to trial.

2 IT IS FURTHER ORDERED that defendant be confined as far as practicable in a corrections  
3 facility separate from persons awaiting or serving sentences or person held pending appeal.

4 IT IS FURTHER ORDERED that defendant be afforded reasonable opportunity for private  
5 consultation with his counsel.

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8 Dated: December 10, 2008



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10 Marc L. Goldman  
U.S. Magistrate Judge

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ORDER OF DETENTION AFTER HEARING (18 U.S.C. §3142(i))